IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

NOTICE OF MOTION NO. 103 OF 2005

IN

NOTICE NO. N/30 OF 2005

Santosh Kumar Bagla ...Judgment Debtor
AND

Ex-parte

The Hongkong and Shanghai
Banking Corpn. ltd ...Judgment creditor

NOTICE OF MOTION NO. 104 OF 2005

IN

NOTICE NO. N/31 OF 2005

Smt. Pushpa S.Bagla ...Judgment Debtor
AND

Ex-parte

The Hongkong and Shanghai
Banking Corpn. ltd ...Judgment creditor

NOTICE OF MOTION NO. 105 OF 2005

IN

NOTICE NO. N/32 OF 2005

Bhupendra S.Bagla ...Judgment Debtor
AND

Ex-parte

The Hongkong and Shanghai
Banking Corpn. ltd ...Judgment creditor

J.P. Sen i/by. G.R. Mehta for judgment creditors.

Abhay Pandey i/by. Le Roy Collaco
for judgment debtors.

CORAM: S.U. KAMDAR, J.

DATED: 18TH APRIL, 2006.

P.C. :

1. In view of the subsequent event that the decree has been assigned by the judgment creditor in favour of The Hongkong and Shanghai Banking Corporation Ltd the issuance notice issued by the judgment creditor does not survive any further. Accordingly motion is made absolute and Notice

No.N/30 of 2005 is set aside. However it is made clear that the assignee of the decree namely the Hongkong & Shanghai Banking Corporation Ltd will be at liberty to initiate fresh notice under Section 9 of the Presidency Towns Act on the basis of assignment of decree in their favour. Motion disposed off accordingly. No order as to costs.

2. As Notice of Motion No. 104 of 2005 and 105 of 2005 are based on identical facts as that of Notice of Motion No. 103 of 2005 identical orders are passed in both the above notice of Motions. sd/-

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